

Applicants traverse the requirement for restriction for the following reasons.

First, Applicants respectfully aver that a search and examination of all the claims of the present application would not pose an undue burden on the Examiner. This is because the search of all claims (*i.e.*, claims 57-84) can be performed using substantially the same search parameters, because the primary step in all pending claims involves “*contacting the vitreous and/or aqueous humor in the eye of a subject with an effective amount of a composition comprising microplasmin.*” Thus, it is unclear to Applicants how such a search would constitute an undue burden on the Office.

Moreover, overlap in the search of the two groups of invention and lack of undue burden on the Office is evident in claim 71. This claim recites that the method of treatment of claim 66 is “performed as an adjunct to vitrectomy.” A search for this claim should thus include a search of class 604, subclass 521, which is said to be the classification for the Group II invention (claims 80-84). No undue burden for including claims 80-84 with claims 57-79 should thus exist.

Second, Applicants aver that including only five additional claims (*i.e.*, claims 80-84) into the search that contain substantially the same step as in the claims of the provisionally elected invention, does not appear to result in an undue burden on the Examiner.

Applicants note that they do not agree with several of the characterizations of the invention set forth on page 2 of the Action. Since clarification of these characterizations is not necessary to determine whether an undue burden exists, they will not all be addressed at this time. Applicants, however, reserve the right to address these characterizations should they arise during substantive prosecution. An example of such a mischaracterization is that the Group I invention “is intended as a method of prevention.” Claim 66, however, is included in Group I and recites a “method of *treating* a vitreoretinal disease or disorder, or a complication of a vitreoretinal disease or disorder.” The Action further states that the method of Group I is intended to “prevent the need for a surgical vitrectomy.” However, claim 78 as discussed *supra* evidences that the method of Group I encompasses subjects who may require vitrectomy.

Applicants further note that the methods of Group II are characterized as being "intended as a method of treatment for those who are [sic] have experienced posterior vitreous detachment and now have complications due to failure of the vitreous to completely separate from the retina, therefore now in need of vitrectomy." Such language nowhere appears in the claims of Group II and thus the claims are not so limited.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration of the Requirement for Restriction in the instant application and joinder of Groups I and II.

Applicants petition for a five-month extension of time to respond to the outstanding Office Action.

Other than the fees related to the five-month extension of time, no other fees are believed to be due in connection with this filing. However, if any additional fees are due, please charge the requisite fees to Deposit Account No. 08-0219.

If the Examiner has any questions relating to this application, she is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,

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